

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Joseph Sieber, Chairman;
Gerald Yarbrough, Vice Chairman;

FROM: Nancy Hunt, Executive Secretary
Board of Review

Subject: Minutes of the September 24, 2014
Board of Review Meeting

Date: September 26, 2014

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, September 24, 2014, at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. **The next regular meeting of the Board of Review is scheduled for Wednesday, October 1, 2014, at 9:00 a.m.** at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Mr. Sieber, Chairman
Mr. Yarbrough, Vice-Chairman
Ms. Futterman, Board Member
Ms. Hunt, Executive Secretary

2. Following a motion by Mr. Yarbrough and seconded by Ms. Futterman, the minutes of the September 17, 2014 meeting were approved.

3. New Business

(a) Dkt. No.: 00011832

This matter, presented by Ms. Jackson, involved whether the claimant's switch from a full-time nurse to a per diem position caused her separation from work. The Deputy held the claimant ineligible for benefits on the ground that she was unavailable to work full-time. The Appeal Tribunal modified the determination and under N.J.S.A. 43:21-5(a) held the claimant disqualified for benefits for voluntarily leaving work. After consideration, the Board remanded the matter for additional testimony from the employer

witnesses, and for confrontation with the Deputy's interview. Ms. Jackson will prepare the remand.

(b) Dkt. No.: 00012616

Ms. Zola presented the issue to the Board to decide if the claimant's refusal to sign her performance agreement, which resulted in the loss of her employment, made her separation a discharge or a voluntary quit. The Appeal Tribunal reversed the Deputy and held that the claimant had left work voluntarily and was disqualified for benefits under N.J.S.A. 43:21-5(a). The Board, after consideration, decided that the claimant's actions were insubordinate, that she did not voluntarily leave her job but had been discharged for simple misconduct connected with the work. Ms. Zola will prepare the decision.

(c) 397,784

Ms. Alverio presented this matter, regarding the claimant's assertion that she was entitled to be paid further benefits. The Board vacated the matter as it was not an appeal to the Board of Review. The matter will be referred to the Appeal Tribunal to address the issue of a failure to pay benefits. Ms. Alverio will prepare the memo.

There being no further business to transact, a motion was made by Mr. Yarbrough to adjourn the meeting. Ms. Futterman seconded the motion.

SUBMITTED FOR APPROVAL:

Nancy Hunt
Executive Secretary

NH:ldv